

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
AT TRENTON**

In re:	:	Chapter 7
Robert Maxwell Simon and	:	CASE NO. 10-50052-KCF
Stacey Helene Simon		
<hr/>		
Debtor.	:	
	:	Adv. Case No. 11-01223-KCF
	:	
Robert Maxwell Simon and Stacey Helene	:	
Simon	:	
	:	
Plaintiffs,	:	
	:	HEARING DATE: April 18, 2011
v.	:	
Weinstein & Riley, P.S. and FIA Card	:	
Services, N.A.,	:	
	:	HEARING TIME: 10:00 a.m.
Defendants.	:	
	:	

NOTICE OF MOTION TO STRIKE

TO: Andy Winchell, Esq.
332 Springfield Ave. Suite 203
Summit, NJ 07901

Robert Maxwell Simon and Stacey Helene Simon
390 Penns Way
Basking Ridge, NJ 07920

PLEASE TAKE NOTICE that on April 18, 2011 at 10:00 o'clock in the forenoon, or as
on thereafter as counsel may be heard, Weinstein & Riley, P.S. ("W&R") and FIA Card
Services, N.A., ("FIA") (collectively, "Defendants") shall move this court for an order, pursuant
to Fed.R.Bankr.P. 9011(a), Fed.R.Bankr.P. 7010 and Fed.R.Bankr.P. 7007 striking the notice of
appearance and request for service filed on March 9, 2011, which appears as Docket No. 8.

1 PLEASE TAKE FURTHER NOTICE that in support of the Motion, the undersigned
2 shall rely on the accompanying Certification of Kenneth S. Jannette, Esq., the argument of
3 counsel, if any, upon the pleadings, records and files herein, and upon such other and further
4 oral and/or documentary evidence as may be presented at the time of any hearing on this
5 motion.

6
7 PLEASE TAKE FURTHER NOTICE that any objection to the relief requested in the
8 motion shall: (i) be in writing; (ii) state with particularity the basis of the objection; and (iii) be
9 filed with the Clerk of the United States Bankruptcy Court and a copy simultaneously served
10 on Kenneth S. Jannette, Esq., 14 Penn Plaza, Suite 1300, New York, New York 10122, so that
11 the written objection is received no later than seven (7) days prior to the hearing date.
12

13 PLEASE TAKE FURTHER NOTICE that unless objections are timely filed and
14 served, the motion shall be deemed uncontested in accordance with D.N.J. LBR 9013-1(a), and
15 the relief requested may be granted without a hearing.
16

17 PLEASE TAKE FURTHER NOTICE that counsel does not request oral argument on
18 the return date of the motion unless objections are timely filed with the court and served upon
19 counsel.
20

Dated: March 9, 2011

Respectfully Submitted,

21
22
23 /S/ Kenneth S. Jannette
24 Kenneth S. Jannette, Esq. (KJ6394)
25
26
27
28